

ARTICLE 6

DEPARTMENT RULES AND REGULATIONS

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ARTICLE 6
DEPARTMENT RULES AND REGULATIONS
AIRPORT DEPARTMENT
HAYWARD AIR TERMINAL CODE

SEC. 2-6.50 TITLE. This portion of Article 6, Chapter 2, of the Hayward Municipal Code may be cited and shall be known as the "Hayward Air Terminal Code". The Air Terminal is within the City limits and the entire Hayward Municipal Code applies to the Air Terminal.

SEC. 2-6.51 AIR TERMINAL RULES AND REGULATIONS. APPLICATION.
The rules and regulations hereinafter set forth, and all orders, instructions, rules and regulations promulgated under authority herein prescribed, shall apply to and be in full force and effect upon the Hayward Air Terminal as it is now or may hereafter be constituted, and all persons using the facilities of the Hayward Air Terminal shall observe same, and such observance shall be a condition under which all persons may use such facilities.

SEC. 2-6.52 AIR TERMINAL RULES AND REGULATIONS. ENFORCEMENT.
CITATION OF VIOLATORS. The provisions of this Air Terminal Code and any resolutions or other regulations promulgated hereunder, and the provisions of any other ordinance or law, the violation of which constitutes a misdemeanor, pertaining to the conduct of persons upon or about, or to operations of, the Hayward Air Terminal, may be enforced in any manner provided for by law.

SEC. 2-6.55 DEFINITIONS. For the purposes of this portion of this article, known as the Hayward Air Terminal Code, certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from the context that a different meaning is intended.

SEC. 2-6.56 CONTROL ZONE. Control zone shall mean that airspace of defined geographical dimensions designated by the F.A.A. above and surrounding Hayward Air Terminal, within which the Hayward Control Tower exercises authority.

SEC. 2-6.57 F.A.A. F.A.A. shall mean the Federal Aviation Administration of the United States of America, as defined in the Federal Aviation Act of 1958, as same now exists or hereafter be amended.

SEC. 2-6.58 LANDING AREA. Landing area shall mean the public use runway and taxiway system of the Hayward Air Terminal maintained by the City for the landing, taking-off and taxiing by the public, and shall include the areas between the runways and taxiways and the necessary clearance areas.

SEC. 2-6.59 OPERATIONAL AREAS. Operational areas shall mean any place on the landing area of the Air Terminal and shall also include the public use taxiways and ramps and the necessary rights of way and clearance areas therefor, but shall not include any such areas under lease to a tenant or lessee on the Air Terminal.

SEC. 2-6.60 OPERATOR. Operator shall mean one who operates aircraft for his

own pleasure, passenger service, freight service, hire, charter, flight instructions, business, or test purposes, or who operates an aircraft as a bailee while performing service on aircraft.

SEC. 2-6.61 OWNER. Owner shall mean the registered and/or legal owner of an aircraft according to the files and records of the F.A.A.

SEC. 2-6.62 RAMP. Ramp shall mean an area designated as a ramp and used for the parking and maneuvering, loading and unloading, and servicing of aircraft while they are on the ground. "Servicing" of aircraft as used in this code shall mean only the oiling and fueling thereof.

SEC. 2-6.63 ROAD. Road shall mean all areas designated as public use roads or streets for the exclusive use of ground vehicles, but shall not include any such areas under lease to a tenant or lessee on the Air Terminal.

SEC. 2-6.64 TAXIWAYS. Taxiways shall mean all areas designated as public use taxiways and used for the exclusive use of aircraft movement while on the ground, but shall not include any such areas under lease to a tenant or lessee on the Air Terminal.

SEC. 2-6.65 TOWER. Tower shall mean the control and authority established and operated by the F.A.A. for the control of aircraft and motor vehicle traffic on the operational areas and in the airspace above and within the Hayward Air Terminal "Traffic Control Zone".

SEC. 2-6.66 UNDEVELOPED AREAS. Undeveloped areas shall mean all the land on the Air Terminal except that defined as operational areas and roads, and except that land legally used by or under lease to a tenant or lessee.

SEC. 2-6.67 AIRCRAFT. An aircraft is a vehicle used or designed for navigation of or flight in the air such as any aeroplane, airplane, gas bag, flying machine, balloon, or any flying contrivance now known or hereafter invented.

SEC. 2-6.68 BUSINESS OR COMMERCIAL ACTIVITY. Business or commercial activity shall mean the use of the Air Terminal by any person, group, club, association, or corporation as a base for the conducting of commercial activities for the carrying for hire of passengers, freight, express or mail, for paid instruction in aviation or any aviation related field, for the sale of fuels, aviation supplies and materials, for aircraft rental, sales, maintenance or service, or for any other aviation or non-aviation commercial activity including the sale of refreshments or any commodity or service.

SEC. 2-6.69 HAYWARD AIR TERMINAL MANAGER. Hayward Air Terminal Manager shall mean the manager of the Hayward Air Terminal duly designated from time to time by the City of Hayward.

AIR TERMINAL RULES AND REGULATIONS. GENERAL.

SEC. 2-6.75 COMPLIANCE WITH RULES AND REGULATIONS. All persons using the facilities of the Hayward Air Terminal shall be governed by the rules and regulations herein prescribed and by the provisions of the Hayward Municipal Code.

SEC. 2-6.76 RESTRICTED AREAS. No person other than those in aircraft operating on the Air Terminal or in vehicles authorized to service or support such aircraft shall enter the operational area unless with approval of the Manager of the Air Terminal.

SEC. 2-6.77 CONDUCT OF BUSINESS, COMMERCIAL OR NON-COMMERCIAL ACTIVITY. No person may solicit, offer for sale or hire or sell or engage in any business or commercial or non-commercial activity of any nature on or from the Air Terminal except from a fixed place of business or operation and in conformance with an appropriate lease or permit.

SEC. 2-6.78 DISPOSAL. No person shall deposit substances on the Hayward Air Terminal which may cause damage or be a nuisance or a hazard to persons or property. No person shall place, dispose or deposit in any manner trash, garbage, or refuse in or upon the operational areas, undeveloped areas, or roads except at such places and under such conditions as the Air Terminal Manager may from time to time prescribe.

SEC. 2-6.79 DAMAGES, RESPONSIBILITY FOR. Any and all Air Terminal property destroyed, injured, or damaged shall be paid for by the person or persons responsible for such destruction, injury, or damage thereto.

SEC. 2-6.80 SURFACE VEHICLES ON OPERATIONAL USE AREAS. No surface vehicles other than aircraft and fueling and flight line service vehicles shall be operated on the operational areas except those specifically authorized by the Air Terminal Manager.

SEC. 2-6.81 REMOVAL OF PROPERTY. The Air Terminal Manager or his authorized representative may remove from any area of the airport including leased premises any motor vehicle, aircraft, or other property which causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the persons using the Air Terminal or a significant portion thereof. The expenses of such removal and any storage fees shall become a lien chargeable to the owner of said motor vehicle, aircraft or other property. Said owner shall be notified of the removal and storage of said motor vehicle, aircraft, or other property by certified or registered mail with a five (5) day return requested, sent to the owner's address as known to the Air Terminal Manager or his authorized representative, within three (3) days of said removal and storage.

The removal from any area of the airport including leased premises of any motor vehicle, aircraft, or other property constituting a nuisance or which is disabled, abandoned, or in violation of this Code but which does not cause or constitute an imminent or immediate danger to the health or safety of the persons using the Air Terminal or a significant portion thereof, shall be accomplished in accordance with the procedure set forth in Chapter 4, Article 1 of the Hayward Municipal Code as the same now exists or may hereafter be amended or in any other manner provided by law.

SEC. 2-6.82 FLYING CLUBS, REQUIREMENTS.

- a. Purpose of Flying Clubs. A flying club must be organized as a non-profit corporation under the laws of the State of California or of the United States for the purpose of fostering flying for pleasure, developing skills in aviation, and developing an awareness and appreciation of aviation requirements and techniques to the general public.
- b. By-Laws. Each Club must furnish to the Air Terminal Manager a current and correct copy of the By-Laws, Articles of Incorporation, Operating Rules and Membership Agreements.
- c. Officers and Directors. A current certified roster of officers and directors and their

addresses must be filed annually with the Air Terminal Manager.

- d. Use of Air Terminal for Commercial Purposes. The commercial use of the Hayward Air Terminal by flying clubs is prohibited.
- e. Membership List. The flying club shall maintain a membership record containing the full names, addresses and pilot license number and rating of all its members, past and present, together with the date when their membership commenced and terminated. These records shall be certified by an officer of the flying club and made available for inspection at any reasonable time upon request of and by the Air Terminal Manager.
- f. Instructors and Mechanics. All flying clubs will submit to the Air Terminal Manager upon his request a certified list of all instructors who are or have been instructing members of the club and the names of each of the members who received said instruction and the dates and time duration of such instruction within the six (6) months preceding the request.
- g. Insurance. All flying clubs must obtain public liability and property damage insurance with a hold harmless agreement in favor of the City of Hayward, its officers, and employees in the following minimum amounts:

Public Liability, per person	\$100,000
Public Liability, per accident	\$300,000
Property damage	\$100,000

Certificates of insurance will be kept on file at all times with the Air Terminal Manager. Thirty (30) days prior notice of cancellation shall also be filed with the Air Terminal Manager.

- h. Aircraft Registration. All aircraft owned, leased or used by the club must first be registered with the Air Terminal Manager. Club aircraft shall not be used for business or commercial activities.

AIR TERMINAL RULES AND REGULATIONS. OPERATIONS.

SEC. 2-6.100 AIRCRAFT OPERATION AND MAINTENANCE. No person shall navigate, land, fly, service, move, maintain, or repair any aircraft, nor conduct any aviation activities, upon, on or from the Air Terminal other than in conformity with current F.A.A. rules and regulations established under Federal authority, including all current Air Traffic Rules as established by the Airport and F.A.A. and controlled by the Hayward Air Terminal Control Tower.

SEC. 2-6.101 BRAKES REQUIRED. No aircraft may be operated at the Air Terminal unless it is equipped with satisfactory and usable brakes.

SEC. 2-6.102 AIRCRAFT STORAGE AND REPAIRS. Aircraft shall be stored and repairs shall be made only on the leased sites where permitted and there shall be aircraft storage, but no repair work, on the public use ramps.

SEC. 2-6.103 SECURING OF UNATTENDED AIRCRAFT. No aircraft shall be left unattended on any area of the Air Terminal, including leased premises, unless properly secured.

The securing of aircraft shall be the sole responsibility of the owner or operator of aircraft, and the City of Hayward and its officers, employees, and agents shall be in no way held responsible.

SEC. 2-6.105 PARKING OF AIRCRAFT. Except for parking and servicing of aircraft where permitted on public use ramps, provisions for parking all aircraft of any operator, user, tenant or its patrons, invitees, employees, and others, shall be on leased premises where permitted and off the operational area of the Air Terminal. No holding, stopping, or parking of aircraft on the taxiways shall be permitted other than to gain immediate ingress or egress of the aircraft from or to adjacent premises.

Unairworthy aircraft, wrecks, "junkers", or parts thereof shall not be parked or stored anywhere on the airport or leased sites unless awaiting bona fide scheduled repairs by a bona fide commercial aviation business on the Air Terminal.

SEC. 2-6.106 POSTPONING AND DELAYING OF AIR TERMINAL OPERATIONS. The Manager of the Air Terminal may delay or restrict any flight or other operations at the Air Terminal for any emergency or other cause, the ramifications of which indicate danger to the public or impending violation of rules and regulations applicable to such flight or other operations.

SEC. 2-6.107 USE OF INTOXICANTS AND DRUGS. No pilot or other member of the crew of an aircraft in operation on the Air Terminal, nor any person directly attending or assisting in said operation on the Air Terminal shall be under the influence of intoxicating liquor or any drug to a degree which renders him incapable of safely performing his duties; nor shall any passenger thereof be under the influence of intoxicating liquor or any drug to a degree which would endanger the safety of any persons using the Air Terminal.

SEC. 2-6.108 DISABLED AIRCRAFT. Each aircraft owner, or his pilot or agent, shall be responsible for the prompt removal of disabled aircraft and parts thereof unless required or directed to delay such action pending an investigation of an accident.

SEC. 2-6.109 CHARGES FOR MOVING DISABLED AIRCRAFT. Should pilots, owners, or agents authorize Air Terminal employees to remove disabled aircraft from runways, ramps, taxiways, or other operational or undeveloped areas on the Air Terminal, charges will be made for equipment and labor at currently established prices and rates.

SEC. 2-6.110 RUNWAY SHOULDER TAXIING. Unless specifically authorized by the Tower, there shall be no taxiing back on the shoulders of any runway. Instructors soloing students may be let off at the instructor's bench, the student making a full taxi pattern. The instructor will be picked up at the same bench.

SEC. 2-6.111 NOISE AND SLIPSTREAMS. No aircraft shall be operated in such a manner or in such places, in front of or near hangars, shops, buildings, personal property, or persons so that they are in the propeller slipstream or so that the operation creates a hazard or a nuisance.

SEC. 2-6.112 STARTING AND RUNNING OF AIRCRAFT ENGINES. Except aircraft in control of authorized maintenance shops, no aircraft engine shall be started or run unless a licensed pilot or mechanic is attending the controls. Chocks shall be placed in front of the main gear wheels before starting engine or engines, unless the aircraft is equipped with and is using adequate parking brakes.

SEC. 2-6.113 RESPONSIBILITY OF INSTRUCTORS. Instructors shall fully

acquaint their students with these rules and regulations and shall be responsible for the conduct of students under their direction during dual instructions. When the student is flying solo, it shall be the student's sole responsibility to observe and abide by these rules and regulations.

SEC. 2-6.114 TAXIING. No person shall taxi an aircraft until he is certain, after visual inspection, that there will be no danger of collision with any person or object. All aircraft shall be taxied at a slow and reasonable speed.

SEC. 2-6.115 RADIO EQUIPMENT. Except in an emergency or by prior arrangement with the Tower all authorized ground vehicles operated on the operational areas of the Air Terminal shall be equipped with and use functioning two-way radio equipment for receiving traffic control and other related information and for transmitting information to the Tower.

SEC. 2-6.116 AIRCRAFT MOVEMENT AREAS. The unpaved left shoulder of Runway 28L and unpaved right shoulder of Runway IOR are hereby designated as an aircraft movement area and may be used for landings and take-offs, unless otherwise instructed or cleared by the Tower. The right shoulder of Runway 28L and left shoulder of Runway IOR shall be used for taxiing purposes only.

AIR TERMINAL RULES AND REGULATIONS. AIRCRAFT NOISE RESTRICTIONS.

SEC. 2-6.119 DEFINITIONS. The following terms are defined as follows unless it is apparent from their context that a different meaning is intended:

- a. Single Event Noise Exposure Level (SENEL). The single event noise exposure level, in decibels, is the noise exposure level of a single event, such as an aircraft flyby, measured over the time interval between the initial and final times for which the noise level of a single event exceeds a given threshold noise level;
- b. A-Weighted Noise Level (NL). The A-weighted noise level, in decibels, is the sound pressure level measured using the slow dynamic characteristics for type 1 or type 2 sound level meters specified in the American National Standard Specifications for Sound Level Meters, ANSI S1.4-1971 (or latest revision thereof). The A-weighting characteristics modify the frequency response of the measuring instrument to account approximately for the frequency characteristics of the human ear;
- c. Federal Aviation Administration (FAA) Advisory Circular 36-3F (FAA Advisory Circular 36-3F). Federal Aviation Administration publication entitled "Estimated Noise Levels in A-weighted Decibels," which lists take-off and approach noise levels for all fixed-wing aircraft in the U.S. Fleet (except for experimental and antique aircraft) as measured at 21,325 feet (6,500 meters) from beginning of take-off roll for take-off noise and 6,652 feet (2,000 meters) from the landing threshold for approach noise. The phrase "FAA Advisory Circular 36-3F" shall refer to the Federal Aviation Administration Advisory Circular 36-3F, including all revisions thereof, or the version of that document currently in effect; and
- d. Enforcement Officer. The Airport Director and such other City employees as are designated by the Airport Director with the approval of the Public Works Director and the City Manager all acting under the direction and control of the City Manager, shall have the duty and authority to enforce the provisions of the Aircraft Noise Restrictions, pursuant to section 836.5 of the California State Penal Code.

SEC. 2-6.120 AIRCRAFT NOISE LIMIT.

- a. No aircraft may take off, land or otherwise operate at the Airport between the hours of 7:00 a.m. and 11:00 p.m. if it generates a Single Event Noise Exposure Level (SENEL) which exceeds the following values as measured at any one of the Airport's four (4) Noise Monitoring Terminals (NMT):

<u>Runways 28L/28R:</u>		<u>Runways 10R/10L:</u>	
NMT #1	98	NMT #1	98
NMT #2	98	NMT #2	98
NMT #3	98	NMT #3	100
NMT #4	98	NMT #4	99

- b. No aircraft may take off, land or otherwise operate at the Airport at night between the hours of 11:01 p.m. and 6:59 a.m. if it generates a Single Event Noise Exposure Level (SENEL) which exceeds the following values as measured at any one of the Airport's four (4) Noise Monitoring Terminals (NMT):

<u>Runways 28L/28R:</u>		<u>Runways 10R/10L:</u>	
NMT #1	95	NMT #1	95
NMT #2	95	NMT #2	95
NMT #3	95	NMT #3	97
NMT #4	95	NMT #4	96

SEC. 2-6.121 PRESUMPTION OF AIRCRAFT NOISE VIOLATION.

- a. Between the hours of 7:00 a.m. and 11:00 p.m., any aircraft which exceeds 77 on the dBA scale on take-off as listed in the FAA Advisory Circular 36-3F, shall be presumed to be in violation of the maximum single event noise levels established in section 2-6.120 above;
- b. Between the hours of 11:01 p.m. and 6:59 a.m., any aircraft which exceeds 73 on the dBA scale on take-off as listed in the FAA Advisory Circular 36-3F, shall be presumed to be in violation of the maximum single event noise levels established in section 2-6.120 above;
- c. Aircraft types and models which are not listed in Advisory Circular 36-3F will be allowed to operate at the Hayward Air Terminal only if:
- (i) The Federal Aviation Administration determines that the specific aircraft type and model would meet the FAA Advisory Circular 36-3F noise limits stated above if it were tested according to Federal Aviation Administration procedures; and
 - (ii) The operator performs a flight test to the reasonable satisfaction of the Airport Director using operating procedures which indicate an ability to comply with the maximum noise levels established in section 2-6.120.

SEC. 2-6.122 REBUTTAL OF PRESUMPTION OF AIRCRAFT NOISE

VIOLATION.

- a. Aircraft owners or operators of aircraft presumed to be unable to meet the maximum noise limits established in section 2-6.120 above shall be entitled to rebut the presumption to the reasonable satisfaction of the Airport Director by:
 - (1) Furnishing evidence which establishes that the aircraft type and model would meet the FAA Advisory Circular 36-3F levels set in section 2-6.121, including, but not limited to, changes in operating procedures, retrofitting measures, and changes in engine; and
 - (2) Demonstrating an ability to comply with the maximum SENEL noise limits established in section 2-6.120 by performing a flight test using safe operating procedures;
- b. The Airport Director's approval shall not be unreasonably withheld;
- c. If the above conditions are met, the specified aircraft owner or operator shall be entitled to operate the approved aircraft at the Airport as long as the specified operating conditions identified in the flight test are followed during subsequent operations.
- d. Failure to comply with the specified operating conditions shall constitute a violation of these Aircraft Noise Restrictions. Upon the second violation of the Aircraft Noise Restrictions, the aircraft shall be excluded from the airport for a period of at least 6 months before operating privileges for that aircraft can be requested again.

SEC. 2-6.123 EXEMPTIONS. The following categories of aircraft shall be exempt from the provisions of section 2-6.120 above:

- a. All aircraft classified as Stage 3 aircraft by the Federal Aviation Administration;
- b. Aircraft operated by the United States of America or the State of California;
- c. Law enforcement, emergency, fire, or rescue aircraft operated by any county, city, subdivision or special districts of the state when those aircraft are operating in emergency situations including emergency aircraft flights for medical purposes;
- d. Aircraft used for emergency purposes during an emergency which has been officially proclaimed by competent authority pursuant to the laws of the United States, the State of California, Alameda County, or the City of Hayward;
- e. Civil Air Patrol aircraft when engaged in actual search and rescue missions;
- f. Aircraft which are being operated under a declared in-flight emergency;
- g. Aircraft operating as a declared air ambulance emergency flight for medical purposes pursuant to Public Utilities Code section 21662.4; and
- h. Aircraft engaged in takeoffs or landings while conducting tests under the direction of the Airport Director in an attempt to rebut the presumption of aircraft noise violation pursuant to the provisions of sections 2-6.121 and 2-6.122 above.

Evidence of exemption status under subsections f. and g. above must be provided to the Airport within seven (7) days of the flight.

SEC. 2-6.124 CULPABILITY OF INSTRUCTOR PILOTS. In the case of any training flight in which both an instructor pilot and a student pilot are in the aircraft which is flown in violation of any of the Aircraft Noise Restrictions, the instructor pilot shall be rebuttably presumed to have caused the violation.

SEC. 2-6.125 CULPABILITY OF AIRCRAFT OWNER. For purposes of the Aircraft Noise Restrictions, if the pilot of an aircraft cannot be otherwise identified, the owner of an aircraft shall be presumed to be the pilot of the aircraft with authority to control the aircraft's operation, or presumed to have authorized or assisted in the aircraft's operation. The presumption may be rebutted only if the owner or lessee identifies the person who in fact was the pilot at the time of the asserted violation.

SEC. 2-6.126 ENFORCEMENT PROVISIONS. Any person who operates an aircraft in violation of the Aircraft Noise Restrictions shall be guilty of an infraction. Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in California Government Code section 36900. In addition, the Airport Director may issue orders imposing civil penalties for violations of the Aircraft Noise Restrictions. The following standards and procedures shall apply to the enforcement of these provisions:

- a. Upon the first violation of any provision of the Aircraft Noise Restrictions, a citation shall be issued to the violator and no civil penalty shall be imposed;
- b. Upon the second violation of any provision of the Aircraft Noise Restrictions within a three year period, a second citation shall be issued and the violator shall be subject to an order imposing a civil penalty which may be a fine of up to \$500.00, a suspension of airport privileges or permits for up to one year, or both;
- c. Upon the third violation of any provision of the Aircraft Noise Restrictions within a three-year period, a third citation shall be issued and the violator shall be subject to an order imposing a civil penalty which may be a fine of up to \$500.00, a suspension of airport privileges or permits for up to three years, or both;
- d. The Airport Director may also restrict access to and operating privileges at the airport subject to compliance with certain operating conditions in order to ensure future compliance with the Aircraft Noise Restrictions;
- e. Before issuing an order for a violation of the Aircraft Noise Restrictions, the Airport Director shall consider all relevant factors in each case including the willfulness, severity and nature of the violation, the existence and use of safe noise abatement operating procedures appropriate to the aircraft, instructions issued by FAA air traffic control tower personnel for air traffic safety purposes, and extraneous factors beyond the pilot's control such as loss of power, maneuvers to avoid other aircraft or unusual weather conditions;
- f. Any person may appeal an order of the Airport Director imposing a civil penalty by filing a written appeal with the Public Works Director within seven (7) days of the date of the Airport Director's order. If the seventh day falls on a weekend or legal holiday observed by the City, then the appeal may be filed on the next workday.

- g. An order of the Public Works Director shall be final except for judicial review and shall not be appeal able to the City Council;
- h. A willful violation of a lawful order of either the Airport Director or the Public Works Director shall constitute a separate and distinct violation of these Aircraft Noise Restrictions;
- i. Any person who fails to pay a civil penalty within 30 days after the issuance of an order to do so shall pay a separate charge of ten percent (10%) of the unpaid amount of the civil penalty. The Airport Director may also exclude such person from the Airport until the penalty and any late charges are paid; and
- j. The remedies established herein are supplementary to any legal or equitable remedies available to the City in its municipal and proprietary capacities, including but not limited to its right to abate nuisances and hazards.

SEC. 2-6.127 EXCLUSION OF AIRCRAFT FROM AIRPORT. In the event any aircraft has been operated in violation of any of the Aircraft Noise Restrictions or any other laws, rules or regulations of the City on three or more occasions within a three year period, that aircraft may be denied the right to tie down, be based at, land or take off from the Airport for a period of three years except in emergencies for the preservation of life or property as reasonably determined by the Airport Director.

SEC. 2-6.128 OPERATIVE DATE. Sections 2-6.119 through 2-6.127 of this Article shall not be enforced until six (6) months after their adoption. This transition period is provided to permit education of the aviation community about the existence of these noise restrictions as well as alternative noise restrictions which were considered and rejected, to provide reasonable notification to the owners and operators of aircraft which are presumptively incapable of complying with such noise restrictions, and to permit compliance with the noise restrictions by allowing a reasonable time for transition to quieter models of aircraft or modification of existing equipment.

AIR TERMINAL RULES AND REGULATIONS. AIRCRAFT FUELING AND DEFUELING.

SEC. 2-6.130 PROHIBITED WHILE ENGINE RUNNING. No aircraft shall be fueled or drained of fuel while the engine is running, provided, however, that where the Airport Director finds that it is necessary to protect public health, safety and welfare, and the Fire Chief reviews and approves the responding agency's capability to meet the requirements set forth, the Airport Director is authorized to enter into an agreement with a public or private agency involved in providing emergency services to the public, which permits helicopters engaged in public safety emergency operations to be refueled while the engine is running. Such agreement shall be in accordance with the provisions set forth below:

- a. The agreement shall specify the area where such refueling is permissible. In no event shall a helicopter be refueled within a minimum radius of 100 from any structure, parked aircraft, or other area where routine air terminal operations are performed.
- b. Personnel of the public or private agency operating the helicopter, rather than the fuel truck attendant, shall be responsible for refueling the helicopter subject to procedures specified in the agreement.

- c. The public or private agency shall agree to hold harmless and indemnify the City against any and all claims arising from the agreement, and shall further provide liability insurance satisfactory to the City.

SEC. 2-6.131 GENERAL SAFETY. No person in or upon any areas where fueling or defueling is being conducted shall do or fail to do any act if the doing or omission thereof endangers unreasonably or is likely to endanger unreasonably persons or property.

SEC. 2-6.132 OPERATING ELECTRICAL SWITCHES. PROHIBITED. No person shall operate any radio transmitter or receiver or switch electrical appliances off or on in an aircraft during fueling or defueling.

SEC. 2-6.133 GROUNDING OF ELECTRICAL POTENTIAL REQUIRED. During fueling the aircraft and the fuel dispensing apparatus shall both be grounded to a point or points of zero electrical potential.

SEC. 2-6.134 PREVENTION OF OVERFLOW. Persons engaged in the fueling and defueling of aircraft shall exercise care to prevent overflow of fuel.

SEC. 2-6.135 STATIC SPARK MATERIALS PROHIBITED. No person shall use any material during fueling or defueling of fuel from aircraft which is likely to cause a static discharge.

SEC. 2-6.136 ADEQUATE FIRE EXTINGUISHERS. Adequate fire extinguishers shall be within ready reach of personnel engaged in fueling and defueling operations.

SEC. 2-6.137 STARTING PROHIBITED WHEN GASOLINE ON GROUND. Excepting normal pre-flight sump checks, no person shall start the engine of any aircraft when there is gasoline on the ground under or nearby such aircraft.

SEC. 2-6.138 MAINTENANCE OF EQUIPMENT. Fueling hoses and defueling equipment shall be maintained in a safe condition.

SEC. 2-6.139 GROUNDING DEVICE. All hoses, funnels, and appurtenances used in fueling and defueling operations shall be equipped with a grounding device to prevent ignition of volatile liquids.

AIR TERMINAL RULES AND REGULATIONS. RENTALS, RATES, CHARGES AND CONDITIONS

SEC. 2-6.150 RENTALS, RATES, CHARGES AND CONDITIONS FOR USE OF AIR TERMINAL. The rentals, rates, charges, and conditions for use of the Air Terminal and its public facilities shall be those specified in this Code and those specified from time to time by resolution of the City Council.